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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/021,920	12/13/2001	Linh N. Pham	DP305717 (65899-0135)	2231

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EXAMINER

GRIER, LAURA A

ART UNIT

PAPER NUMBER

2615

DATE MAILED: 06/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/021,920	Applicant(s) PHAM ET AL.	
	Examiner Laura A. Grier	Art Unit 2615	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 6, 7, 9, 11, 13, 14, 18-20, 22, 23 and 26-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 18-20, 22 and 23 is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-7, 11, 13-14, 26-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

The indicated allowability of claims with previously dependent claims 8-13 and 15-17 is withdrawn in view of the newly discovered reference(s) to Flick and 112 2nd paragraph rejections. Rejections based on the newly cited reference(s) follow.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 27 (dependent claim 13) and 29 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 27 and 29, the specification provides support of how the radio face plate's function is only enabled by the use of the operator. The claim language of the claims fail to recite any operator use or manual manipulation to enables the radio plates performance. Thus, as currently written the claim language is indefinite in respect to the radio plate will perform it claimed function.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4, 6-7, 9, and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Milne and Basel and further in view of Flick, U. S. Patent 6346876

Regarding claims 1, 3-4, and 28, Milne discloses distributed signal processing for vehicle audio systems. Milne inherently discloses a radio controller as evident by the radio (10); and a host computer (24) which provides various operating parameters to the audio system of various vehicles, which reads a data table accessible by a radio controller – figure 1, col. 1, lines 47-67, col. 2, lines 1-3 and col. 4, lines 33-41. Milne further discloses a data bus for providing communication from the host computer and the radio module (col. 2, lines 46-49). However, Milne fails to disclose the host computer storing unique set of personal listening preferences, therein as claimed, and an internal vehicle body controller, therein.

Regarding storing a unique set of personal listening preferences, Basel discloses an audio system (which may be within a vehicle as implied – col. 1, lines 43-49) with a data memory in which a plurality of personal settings may be stored (col. 2, lines 26-42, and col. 6, lines 61-67, and col. 7, lines 1-17).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Milne by implementing a data memory with a plurality of personal settings for the purpose of enhancing the listening experience for a listener.

Regarding the internal vehicle body controller, Flick discloses a multi-vehicle controller (20) which communicates with a vehicle communication data bus for transmitting data to various vehicle devices (col. 5, lines 25-35, col. 6, lines 52-63).

Thus, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the invention of Milne and Basel by incorporating a internal vehicle body controller for the purpose of enable efficient communication of operating parameters and control within a vehicle for adequate performance of the various devices (like the radio controller) as desired for entertainment purposes and required by vehicle operating standards.

Regarding claim 2, Milne and Basel and Flick (herein, Milne combination) disclose everything claimed as applied above (see claim 1). Milne combination (Milne) further discloses parameters such as equalization coefficients, volume adjusting parameters, loudness coefficient and speaker gains, (col. 1, lines 65-col. 2, lines 1-3), which indicates the claimed limitation.

Regarding claim 6, Milne combination discloses everything claimed as applied above (see claim 1). Milne combination (Milne) further discloses the audio output by the speakers (22) based on the stored parameters necessary for the respective vehicle.

Regarding claim 7 and 9, Milne combination discloses everything claimed as applied above (see claim 1). Milne combination (Milne) further discloses a library of vehicle profiles with the corresponding audio system parameters stored, therein (col. 4, lines 34-50), which reads on the claimed limitation.

Regarding claim 9, Milne combination discloses everything claimed as applied above (see claim 1). Milne combination (Milne) further discloses the audio output by the speakers (22) based on the stored parameters necessary for the respective vehicle.

Claims 14 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Milne and Basel

Regarding claims 14 and 26, Milne discloses distributed signal processing for vehicle audio systems. Milne obviously discloses a radio controller as evident by the radio (10); and a host computer (24) which provides various operating parameters to the audio system of various vehicles, which reads a data table accessible by a radio controller – figure 1, col. 1, lines 47-67, col. 2, lines 1-3, 30-59 and col. 4, lines 5-50), wherein the audio system outputs via the speakers (22) based upon the set parameters; Milne further discloses a serial data bus connected to the host computer (24), which constitutes means for identifying vehicle model and comprising an external diagnostic device (col. 4, lines 5-50), which reads on the claimed limitations. However, Milne fails to disclose the host computer storing unique set of personal listening preferences, therein as claimed.

Regarding storing a unique set of personal listening preferences, Basel discloses an audio system (which may be within a vehicle as implied – col. 1, lines 43-49) with a data memory in which a plurality of personal settings may be stored (col. 2, lines 26-42, and col. 6, lines 61-67, and col. 7, lines 1-17).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Milne by implementing a data memory with a plurality of personal settings for the purpose of enhancing the listening experience for a listener.

Regarding claim 11, Milne and Basel discloses everything claimed as applied above (see claim 26). Milne and Basel (Milne) further discloses the audio output by the speakers (22) based on the stored parameters necessary for the respective vehicle.

Claims 18-20, and 22-23 are allowed.

Response to Arguments

Applicant's arguments with respect to claims 1-4, 6-7, 9, 11, 13-14, 18-20, 22-23, 26-29 have been considered but are moot in view of the new ground(s) of rejection.

The applicant only provided remarks of the amended claim language of the amended and newly added claims. No argument against the prior art was made. However, upon further search and consideration, an art rejection has been maintained.

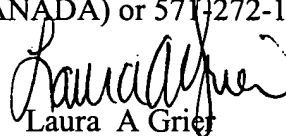
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura A. Grier whose telephone number is (571) 272-7518. The examiner can normally be reached on Monday - Friday, 7:30 am - 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian Chin can be reached on (571) 272-7848. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Laura A Grier
Primary Examiner
Art Unit 2615

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